

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VICTOR HOTH0 and AYAKO MITSUI,  
Individually and as parents and natural guardians of  
infant, ALYN HOTH0,

Plaintiffs.

**DEMAND FOR EXPERT  
WITNESS INFORMATION**

- against -

EDWARD F. ROSSI, M.D., PEDIATRICS EAST  
OF NEW YORK. P.C. and ST. VINCENT'S  
HOSPITAL, MANHATTAN,

**05 CV 2609  
Judge Baer**

Defendants.

-----X  
COUNSELORS:

**PLEASE TAKE NOTICE** that, pursuant to Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure, if plaintiffs intend to introduce expert testimony at the time of trial of the above captioned action, within twenty (20) days of the date herein, plaintiff is to set forth:

1. State whether such witness(es) is licensed to practice medicine and, if so, the jurisdiction wherein such license is in effect with the dates thereof.
2. State whether such witness(es) is a medical school graduate and, if so, the name of the medical school with the date(s) of graduation.
3. State whether such witness(es) completed any internship, residency and fellowship programs and, if so, the institution(s) where such programs were undertaken with the dates thereof.
4. State whether such witness(es) specializes in a particular area(s) of medicine and, if so, set forth such specialty.
5. State whether such witness(es) is board certified in a particular area(s) of

medicine and, if so, the board so certifying with the date(s) thereof.

6. State whether such witness(es) has any hospital affiliation(s) and, if so, set forth said affiliations.
7. State whether such witness(es) has published any article(s) relating to the subject matter of this litigation and, if so, the name of the journal where said article was published with the date(s) thereof.
8. State whether such expert ever has had his/her license to practice medicine suspended or revoked and, if so, set forth the dates thereof.
9. Disclose in reasonable detail the subject matter on which each expert is expected to testify.
10. Disclose in reasonable detail the substance of the facts and opinions on which each expert is expected to testify.
11. Disclose in reasonable detail a summary of the grounds for each expert's opinion.
12. Set forth the materials, with appropriate identification, upon which said expert's testimony is based, including, but not limited to:
  - (a) Hospital charts;
  - (b) Office records and reports of treating and examining physicians
  - (c) laboratory tests and reports;
  - (d) Radiological tests and reports;
  - (e) Private duty nursing records; and
  - (f) Office records of treating and examining psychiatrists and/or psychologists.

13. Disclose copies of all reports generated by the expert or experts regarding their review of this matter.

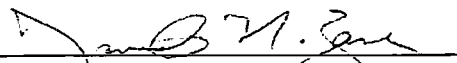
PLEASE TAKE FURTHER NOTICE that this notice is a continuing demand for the information requested concerning an expert's testimony at trial, pursuant to Rule 26(e)(1) and (2) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that failure to comply with demand shall be grounds upon which to preclude you from introducing the expert's testimony at trial for each expert whose name, qualifications, subject matter of testimony, substance of the facts and opinions of the expert's testimony and the materials upon which the expert's testimony is based and for such other relief as the Court deems just and proper, as per Rule 37 of the Federal Rules of Civil Procedure.

Dated: New York, New York  
April 26, 2005

Yours, etc.

COSTELLO, SHEA & GAFFNEY LLP

By:   
David N. Zane (DZ 4182)  
Attorneys for Defendant  
ST. VINCENT'S CATHOLIC MEDICAL  
CENTERS OF NEW YORK s/h/a ST.  
VINCENT'S HOSPITAL, MANHATTAN  
44 Wall Street, 11th Floor  
New York, New York 10005  
(212) 483-9600

To:

LOCKS LAW FIRM, PLLC  
Attorney for Plaintiffs  
110 East 55<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, NY 10022

LAYSER & FREIWALD, P.C.  
Patricia M. Giordano  
1500 Walnut Street  
Eighteenth Floor  
Philadelphia, Pennsylvania 19102  
(212) 875-8000

AARONSON, RAPPAPORT, FEINSTEIN & DEUTSCH, LLP  
Attorney for Defendants  
EDWARD F. ROSSI, M.D. and  
PEDIATRICS EAST OF NEW YORK, P.C.  
757 3<sup>rd</sup> Avenue  
New York, NY 10017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VICTOR HOTH0 and AYAKO MITSUI,  
Individually and as parents and natural guardians of  
infant, ALYN HOTH0,

Plaintiffs,

- against -

EDWARD F. ROSSI, M.D., PEDIATRICS EAST OF  
NEW YORK, P.C. and ST. VINCENT'S HOSPITAL,  
MANHATTAN,

Defendants.

**NOTICE FOR DISCOVERY  
PURSUANT TO FRCP 26**

**05 CV 2609  
Judge Baer**

-----X  
COUNSELORS:

**PLEASE TAKE NOTICE** that, pursuant to FRCP Rule 26(a)(1)(B), all counsel is required  
to produce at the offices of the undersigned attorneys within thirty (30) days from the date hereof  
the following:

1. Produce the pleadings of each and every lawsuit brought on plaintiffs' behalf to  
recover damages for any connected or aggravated injuries allegedly caused and  
sustained by plaintiff as a result of the acts of one or more preceding, joint,  
concurrent and/or succeeding tort feasons action which shall set forth the following:
  - a. Court;
  - b. Index or docket number;
  - c. Calendar number;
  - d. Names and addresses of all litigants;
  - e. Names and addresses of all attorneys appearing for litigants.

Separately set forth:

f. Status of lawsuit

- i. If noticed for trial, specify the date;
- ii. If settled, annex a copy of each release delivered indicating the amounts contributed by each defendant;
- iii. If discontinued without payment, annex a copy of each stipulation so delivered to each defendant;
- iv. If tried, annex a copy of the judgment with notice of entry;
- v. If judgment was satisfied, set forth the date and amount of payment and annex a copy of the satisfaction of judgment.

2. Identify every jurisdiction in which either or both plaintiffs have ever been arrested, arraigned, indicted, or convicted, including the corresponding dates and arresting agency, name and location of the court with docket number.

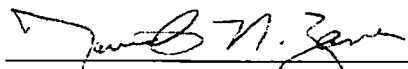
PLEASE TAKE FURTHER NOTICE that in the event plaintiffs fail to forthwith provide each such report within thirty (30) days, defendant will move for an order pursuant to the provisions of the FRCP.

PLEASE TAKE FURTHER NOTICE that this demand is to be considered continuing and in force through and until the termination of this lawsuit.

Dated: New York, New York  
April 26, 2005

Yours, etc.

COSTELLO, SHEA & GAFFNEY LLP

By:   
David N. Zane (DZ 4182)

Attorneys for Defendant

ST. VINCENT'S CATHOLIC MEDICAL  
CENTERS OF NEW YORK s/h/a ST. VINCENT'S  
HOSPITAL, MANHATTAN  
44 Wall Street, 11th Floor  
New York, New York 10005  
(212) 483-9600

To:

LOCKS LAW FIRM, PLLC  
Attorney for Plaintiffs  
110 East 55<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, NY 10022

LAYSER & FREIWALD, P.C.  
Patricia M. Giordano  
1500 Walnut Street  
Eighteenth Floor  
Philadelphia, Pennsylvania 19102  
(212) 875-8000

AARONSON, RAPPAPORT, FEINSTEIN & DEUTSCH, LLP  
Attorney for Defendants  
EDWARD F. ROSSI, M.D. and  
PEDIATRICS EAST OF NEW YORK, P.C.  
757 3<sup>rd</sup> Avenue  
New York, NY 10017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VICTOR HOTH0 and AYAKO MITSUI,  
Individually and as parents and natural guardians of  
infant, ALYN HOTH0,

Plaintiffs,

- against -

EDWARD F. ROSSI, M.D., PEDIATRICS EAST OF  
NEW YORK, P.C. and ST. VINCENT'S HOSPITAL,  
MANHATTAN,

Defendants.

**DEMAND FOR REPORT OF  
PHYSICAL EXAMINATION**

**05 CV 2609  
Judge Baer**

-----X  
COUNSELORS:

**PLEASE TAKE NOTICE** that, pursuant to FRCP Rule 35(b)(1), defendant ST. VINCENT'S HOSPITAL, MANHATTAN, demands that plaintiffs produce an exact and true copy of the report of physical examination of each physician who has either treated or examined the infant plaintiff for the conditions and injuries claimed herein, irrespective of whether it is presently intended that said physician(s) will be called as a witness at the time of trial:

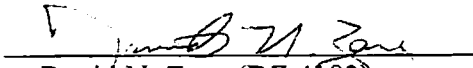
**PLEASE TAKE FURTHER NOTICE** that in the event plaintiffs fail to forthwith provide each such report within thirty (30) days, defendant will move for an order pursuant to FRCP 35(b)(1).

**PLEASE TAKE FURTHER NOTICE** that this demand is to be considered continuing and in force through and until the termination of this lawsuit.

Dated: New York, New York  
April 26, 2005

Yours, etc.

COSTELLO, SHEA & GAFFNEY LLP

By:   
David N. Zane (DZ 4182)

Attorneys for Defendant  
ST. VINCENT'S CATHOLIC MEDICAL  
CENTERS OF NEW YORK s/h/a ST. VINCENT'S  
HOSPITAL, MANHATTAN  
44 Wall Street, 11th Floor  
New York, New York 10005  
(212) 483-9600

To:

LOCKS LAW FIRM, PLLC  
Attorney for Plaintiffs  
110 East 55<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, NY 10022

LAYSER & FREIWALD, P.C.  
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AARONSON, RAPPAPORT, FEINSTEIN & DEUTSCH, LLP  
Attorney for Defendants  
EDWARD F. ROSSI, M.D. and  
PEDIATRICS EAST OF NEW YORK, P.C.  
757 3<sup>rd</sup> Avenue  
New York, NY 10017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VICTOR HOTHOTH and AYAKO MITSUI,  
Individually and as parents and natural guardians of  
infant, ALYN HOTHOTH,

Plaintiffs,

**DEMAND FOR STATEMENTS**

- against -

**05 CV 2609**

**Judge Baer**

EDWARD F. ROSSI, M.D., PEDIATRICS EAST OF  
NEW YORK, P.C. and ST. VINCENT'S HOSPITAL,  
MANHATTAN,

Defendants.

-----X  
COUNSELORS:

**PLEASE TAKE NOTICE** that, pursuant to FRCP Rule 34, you are hereby required to produce at the offices of the undersigned attorneys within thirty (30) days from the date here any statements in the possession of the plaintiff or their legal representative, whether in writing or orally recorded on tape or by other mechanical device by this defendant, or any other witness to the alleged acts of malpractice. If plaintiffs, their legal representatives or any witness are in possession of any statement annex hereto either a copy of the actual writing or set forth a verbatim transcription of the orally recorded statement, identifying the date and manner in which the oral statement was recorded as well as the full name and address of the person or party presently in possession of each recording.

**PLEASE TAKE FURTHER NOTICE** that in the event plaintiffs fail to forthwith provide each such report within thirty (30) days, defendant will move for an order pursuant to the provisions of the FRCP 35.

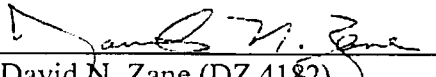
**PLEASE TAKE FURTHER NOTICE** that this demand is to be considered continuing

and in force through and until the termination of this lawsuit.

Dated: New York, New York  
April 26, 2005

Yours, etc.

COSTELLO, SHEA & GAFFNEY LLP

By:   
David N. Zane (DZ 4182)

Attorneys for Defendant  
ST. VINCENT'S CATHOLIC MEDICAL  
CENTERS OF NEW YORK s/h/a ST. VINCENT'S  
HOSPITAL, MANHATTAN  
44 Wall Street, 11th Floor  
New York, New York 10005  
(212) 483-9600

To:

LOCKS LAW FIRM, PLLC  
Attorney for Plaintiffs  
110 East 55<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, NY 10022

LAYSER & FREIWALD, P.C.  
Patricia M. Giordano  
1500 Walnut Street  
Eighteenth Floor  
Philadelphia, Pennsylvania 19102  
(212) 875-8000

AARONSON, RAPPAPORT, FEINSTEIN & DEUTSCH, LLP  
Attorney for Defendants  
EDWARD F. ROSSI, M.D. and  
PEDIATRICS EAST OF NEW YORK, P.C.  
757 3<sup>rd</sup> Avenue  
New York, NY 10017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VICTOR HOTH0 and AYAKO MITSUI,  
Individually and as parents and natural guardians of  
infant, ALYN HOTH0,

Plaintiffs.

- against -

EDWARD F. ROSSI, M.D., PEDIATRICS EAST OF  
NEW YORK, P.C. and ST. VINCENT'S HOSPITAL.  
MANHATTAN,

Defendants.

**NOTICE TO PRODUCE  
PURSUANT TO FRCP 34(a)**

**05 CV 2609  
Judge Baer**

-----X  
COUNSELORS:

**PLEASE TAKE NOTICE** that, pursuant to FRCP Rule 34, you are hereby required to produce at the offices of the undersigned attorneys within thirty (30) days from the date herein the following:

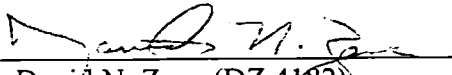
1. Plaintiff's marriage certificate;
2. Infant plaintiff's birth certificate.

**PLEASE TAKE FURTHER NOTICE** that this demand is to be considered continuing, as per FRCP 34, which requires plaintiffs provide supplemental responses additional information if additional information is obtained that more accurately represents the facts.

Dated: New York, New York  
April 26, 2005

Yours, etc.

COSTELLO, SHEA & GAFFNEY LLP

By:   
David N. Zane (DZ 4182)

Attorneys for Defendant

ST. VINCENT'S CATHOLIC MEDICAL  
CENTERS OF NEW YORK s/h/a ST. VINCENT'S  
HOSPITAL, MANHATTAN  
44 Wall Street, 11th Floor  
New York, New York 10005  
(212) 483-9600

To:

LOCKS LAW FIRM, PLLC  
Attorney for Plaintiffs  
110 East 55<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, NY 10022

LAYSER & FREIWALD, P.C.  
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1500 Walnut Street  
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Philadelphia, Pennsylvania 19102  
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AARONSON, RAPPAPORT, FEINSTEIN & DEUTSCH, LLP  
Attorney for Defendants  
EDWARD F. ROSSI, M.D. and  
PEDIATRICS EAST OF NEW YORK, P.C.  
757 3<sup>rd</sup> Avenue  
New York, NY 10017

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
VICTOR HOTHOTH and AYA KO MITSUI,  
Individually and as parents and natural guardians of  
infant, ALYN HOTHOTH,

Plaintiffs,

- against -

EDWARD F. ROSSI, M.D., PEDIATRICS EAST OF  
NEW YORK, P.C. and ST. VINCENT'S HOSPITAL,  
MANHATTAN,

Defendants.

**DEMAND FOR  
AUTHORIZATIONS**

**05 CV 2609  
Judge Baer**

-----X  
COUNSELORS:

**PLEASE TAKE NOTICE** that this demand is hereby made that you serve upon the undersigned duly executed authorizations for the release of records pertaining to the care and treatment rendered to the infant plaintiff ALYN HOTHOTH:

1. St. Vincent's Hospital;
2. Dr. Carolyn Hiltibeitel;
3. Dr. Harold Van Bosse;
4. Hospital for Joint Diseases.

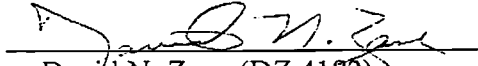
The aforementioned authorization must include the full name and address of each institution and/or physician and the dates of confinement or treatment.

**PLEASE TAKE FURTHER NOTICE** that failure to comply with this demand will serve as a basis for a motion pursuant to FRCP 37(a) and (4) if said authorizations are not provided within thirty (30) days after service of a copy of the within Demand.

Dated: New York, New York  
April 26, 2005

Yours, etc.

COSTELLO, SHEA & GAFFNEY LLP

By:   
David N. Zane (DZ 4182)

Attorneys for Defendant

ST. VINCENT'S CATHOLIC MEDICAL  
CENTERS OF NEW YORK s/h/a ST. VINCENT'S  
HOSPITAL, MANHATTAN  
44 Wall Street, 11th Floor  
New York, New York 10005  
(212) 483-9600

To:

LOCKS LAW FIRM, PLLC  
Attorney for Plaintiffs  
110 East 55<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, NY 10022

LAYSER & FREIWALD, P.C.  
Patricia M. Giordano  
1500 Walnut Street  
Eighteenth Floor  
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(212) 875-8000

AARONSON, RAPPAPORT, FEINSTEIN & DEUTSCH, LLP  
Attorney for Defendants  
EDWARD F. ROSSI, M.D. and  
PEDIATRICS EAST OF NEW YORK, P.C.  
757 3<sup>rd</sup> Avenue  
New York, NY 10017



NOTICE OF ENTRY

Index No. 05 CV 2609

Year 20

Sir:-Please take notice that the within is a *(certified)*  
true copy of a  
duly entered in the office of the clerk of the within  
named court on 20

Dated

Yours, etc.,

COSTELLO, SHEA & GAFFNEY LLP  
Attorneys for

Office and Post Office Address

44 WALL STREET  
NEW YORK, N.Y. 10005

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:-Please take notice that an order

of which the within is a true copy will be presented  
for settlement to the Hon.

One of the judges of the within named Court, at

on 20

at M.

Dated,

Yours, etc.,

COSTELLO, SHEA & GAFFNEY LLP  
Attorneys for

Office and Post Office Address

44 WALL STREET  
NEW YORK, N.Y. 10005

To

Attorney(s) for

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VICTOR HOTHOTH and AYAKO MITSUI,  
Individually and as parents and natural guardians  
of infant, ALYN HOTHOTH,

Plaintiffs,

- against -

EDWARD F. ROSSI, M.D., PEDIATRICS EAST  
OF NEW YORK, P.C. and ST. VINCENT'S  
HOSPITAL, MANHATTAN,

Defendants.

## COMBINED DEMANDS

COSTELLO, SHEA & GAFFNEY LLP  
Attorneys for

**Defendant, ST. VINCENT'S CATHOLIC MEDICAL CENTERS OF N.**  
**ST. VINCENT'S HOSPITAL, MANHATTAN**

44 WALL STREET  
NEW YORK, N.Y. 10005  
212-483 9600